

2 towns to retain stringent plover restriction

By Eric Niller
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Local beaches won't be wide open to dune-hopping vehicles, despite the federal government's decision to ease restrictions that protect piping plovers.

Officials in Duxbury and Plymouth said they will not change off-road vehicle policies that have kept buffer zones around the sandy-colored shorebirds for the past 10 years.

"Duxbury is not going to relax its standards," said Kay Foster, a director of Duxbury Beach Reservation and chairwoman of the town's beach committee. "We intend to protect the birds to the very best of our abilities."

Foster said local beachgoers have grown accustomed to the rules, which she said do not impose a burden.

Plymouth officials cannot relax off-road vehicle use on Plymouth Beach, because not enough plovers have successfully bred in the area.

Earlier this week, the U.S. Fish and Wildlife Service granted Massachusetts a permit that would allow some beaches to relax restrictions set forth under the federal Endangered Species Act.

Under the act, vehicles and pedestrians had to stay 100 yards from the birds' nests, which are usually occupied from mid-May to mid-July.

That zone will be cut in half under the new guidelines. In places where a single nest can block all traffic, caravans of vehicles will be escorted

through the area, while special "taxis" will be allowed to make eight passes by the nest daily. In both cases, trained beach monitors will walk in front of the vehicles to look for birds.

"We hope it will give the beach manager more freedom on their beach without impacting the plovers much at all," said Tom French, state wildlife biologist.

In addition, beach officials will be able to move eggs a short distance, allowing emergency vehicles access to the beach during daylight hours and limited homeowner access at night.

On Horseneck Beach near Westport, a single plover nest has closed a lot with 100 parking spaces. Another beach had to close its concession stand because of a nest. Under the new standards, those areas will open, French said.

Only beaches that have met specific management goals will be allowed to relax their standards, including Crane's Beach in Ipswich, Sandy Neck Beach in Sandwich and Horseneck Beach.

On Martha's Vinyard, local officials are fighting the state over the plover restrictions on Norton's Point Beach. In that case, the town is siding with off-road vehicle users.

The Cape Cod National Seashore and Plum Island National Wildlife Refuge are federal lands and won't be changing their plover rules.

Since Massachusetts enacted the buffer zones and beach monitoring program in 1986, the plover popula-

tion has tripled from 126 nesting pairs to 441 nesting pairs.

Federal officials estimate that 33 plovers will be killed yearly under the new rules, but that figure is a reasonable "take" that will not stop the population from continued growth.

From mid-May to mid-July, birds build nests in shallow depressions in the sand, sometimes directly in tire

tracks. The camouflaged chicks are difficult to see and are vulnerable to off-road vehicles.

The state's largest environmental group, the Massachusetts Audubon Society, has joined with the Sierra Club and the Conservation Law Foundation in opposing the federal decision.

Audubon advocacy director Jack

Clarke called the new rule a "plover-squashing permit" and said the groups are considering legal action to stop it. Off-road vehicle groups have been lobbying the state for several years to open up more territory.

"This is inconsistent with intentions of Endangered Species Act," Clarke said. "This is not the time to be killing more birds."